

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	:	Richard J. Harp
Appl. No.	:	10/675,068
Filed	:	September 29, 2003
For	:	RECIPROCATING SURGICAL FILE
Examiner	:	V. Nguyen
Group Art Unit	:	3731
Confirmation No.	:	5071

**COMMENTS ON THE EXAMINER'S STATEMENT OF  
REASONS FOR ALLOWANCE****Mail Stop Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed to comment on the Examiner's Statement of Reasons for Allowance set forth in the Notice of Allowability, which was transmitted on February 5, 2008.

In view of the Examiner's Statement of Reasons for Allowance, Applicants would like to clarify that each of the claims is independently allowable because the prior art does not teach or suggest the recited combination as a whole, and patentability of the claims does not rest on a subset of limitations of the claims. Each claim is allowable because it recites a combination of features that are not taught or suggested by the prior art.

For instance, none of the cited references, taken alone or in combination, teaches a surgical instrument comprising a blade; a housing in which the blade moves, the housing having a long axis; a transmission that converts rotary motion to reciprocating, linear motion, wherein the transmission is coupled to the blade such that the blade moves reciprocally in the housing, the transmission comprising: two surfaces that are a substantially fixed distance apart; a cam that rotates about a central axis, said central axis being at an angle to a plane extending between the two surfaces; and the cam having a curvilinear body, the body having a nonuniform thickness,

wherein the body continuously contacts the two surfaces as the cam rotates about the central axis, such that the two surfaces remain at the substantially fixed distance apart as they move linearly in response to the cam's rotation about the central axis; a first opening in the housing through which a portion of the blade is exposed; and a cutting surface on said exposed portion of the blade, said surface configured to perform at least one of grinding, filing, and cutting of tissue, as recited in independent Claim 36.

In addition, none of the cited references, taken alone or in combination, teaches a surgical instrument comprising: a blade; a housing in which the blade moves, the housing having a long axis; a transmission that converts rotary motion to reciprocating, linear motion, wherein the transmission is coupled to the blade such that the blade moves reciprocally in the housing, the transmission comprising: two surfaces that are a substantially fixed distance apart; rotation means that rotates about a central axis, said central axis being at an angle to a plane extending between the two surfaces; and the rotation means continuously contacting the two surfaces as the rotation means rotates about the central axis, such that the two surfaces remain at the substantially fixed distance apart as they move linearly in response to the rotation means's rotation about the central axis; a first opening in the housing through which a portion of the blade is exposed; and a cutting surface on said exposed portion of the blade, said surface configured to perform at least one of grinding, filing, and cutting of tissue, as recited by independent Claim 44.

Further, none of the cited references, taken alone or in combination, teaches a surgical instrument comprising: a blade; a housing in which the blade moves, the housing having a long axis; a transmission that converts rotary motion to reciprocating, linear motion, wherein the transmission is coupled to the blade such that the blade moves reciprocally in the housing, the transmission comprising: two surfaces that are a substantially fixed distance apart; a cam that rotates about a central axis, said central axis being at an angle to a plane extending between the two surfaces; and the cam having means for continuously contacting the two surfaces as the cam rotates about the central axis, such that the two surfaces remain at the substantially fixed distance apart as they move linearly in response to the cam's rotation about the central axis; a first opening in the housing through which a portion of the blade is exposed; and a cutting surface on said exposed portion of the blade, said surface configured to perform at least one of grinding, filing, and cutting of tissue, as recited by independent Claim 52.

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Yet further, none of the cited references, taken alone or in combination, teaches a surgical instrument, comprising a housing having a longitudinal axis; a blade assembly configured to oscillate linearly relative to the housing in a direction generally parallel to the longitudinal axis, the blade assembly comprising a blade having a cutting surface; a rotary shaft; and a transmission configured to convert rotation of the rotary shaft into oscillating linear movement of the blade assembly; wherein the transmission comprises a torus-like shape disposed on the rotary shaft, the torus-like shape having a central axis that is angled relative to an axis of the rotary shaft, as recited by independent Claim 106.

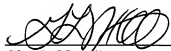
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

5/5/08

By: \_\_\_\_\_



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